

**REPORT OF THE COMMITTEE ON  
PRIVATE MEMBERS' BILLS AND  
RESOLUTIONS**

**FIFTY-SIXTH REPORT**



**समय वरुणे**

**LOK SABHA SECRETARIAT  
NEW DELHI**

*July, 1956*

0.12

MEMBERS OF THE COMMITTEE ON PRIVATE MEMBERS'  
BILLS AND RESOLUTIONS

1. Sardar Hukam Singh—*Chairman*.
2. Shri Raghunath Singh.
3. Shri Nageshwar Prasad Sinha.
4. Shri Ganesh Sadashiv Altekar.
5. Shri Goswamiraja Sahdeo Bharati.
6. Shri Narendra P. Nathwani.
7. Shri Radheshyam Ramkumar Morarka.
8. Shrimati Ila Palchoudhuri.
9. Shri N. Rachiah.
10. Dr. Natabar Pandey.
11. Shri Bhawani Singh.
12. Shri T. B. Vittal Rao.
13. Shri C. Madhao Reddi.
14. Shri N. Sreekantan Nair.
15. Shri Rayasam Seshagiri Rao.

SECRETARIAT

Shri N. C. Nandi—*Deputy Secretary*.

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## REPORT

I, the Chairman of the Committee on Private Members' Bills and Resolutions, having been authorised by the Committee, present on their behalf, this, their Fifty-sixth Report.

2. The Committee met on the 21st July, 1956 for categorisation and allocation of time under clauses (b) and (c) of Rule 44(1) of the Rules of Procedure to the Indian Penal Code (Amendment) Bill by Shri S. V. Ramaswamy and re-examination of the Constitution (Amendment) Bill by Shri Kamal Kumar Basu (Appendix) in the light of the motion adopted by Lok Sabha on the 16th December, 1955, which was postponed by the Committee at its sitting held on the 20th February, 1956.

### II. Categorisation and allocation of time to Bill

3. Shri S. V. Ramaswamy, the member-in-charge of the Indian Penal Code (Amendment) Bill and the representative of the Ministry of Home Affairs, which was concerned with the Bill had been invited to present their views before the Committee. The representative of the Ministry of Home Affairs was present.

4. After hearing the representative of the Ministry and considering all aspects in regard to the Bill, the Committee placed the Bill in category B in accordance with the principles for categorisation laid down in their Eighth Report and allotted two hours for its discussion.

### III. Re-examination of the Constitution (Amendment) Bill

5. The Committee then took up for re-examination the Constitution (Amendment) Bill by Shri K. K. Basu in the light of the motion adopted by the House on the 16th December, 1955. The member-in-charge of the Bill and the representatives of the Ministries of Home Affairs and Law, which were concerned with the Bill were, on invitation, present at the sitting and stated their views on the Bill.

6. The Committee considered the points of view of the sponsor of the Bill and reaction of the Government thereto and re-examined the Bill in the light of the principles laid down by the Committee in paragraph 6 of their First Report, which had been duly approved by the House. The Committee arrived at the following findings as a result of their re-examination of the Bill.

*Findings of the Committee*

7. The Bill seeks to amend article 22 of the Constitution relating to Preventive Detention, and also article 37 so as to make the Directive Principles of the State Policy justiciable.

8. In addition to the views already expressed by the Committee in paragraphs 6, 7 and 9 of their Forty-second Report, the Committee noted that during the last session, the House discussed the Working of the Preventive Detention Act, 1950 and adopted a motion for the continuance of the Act till the end of December, 1957. The Committee was of the opinion that there were no new factors in favour of allowing the Bill, which sought to raise a discussion on the same matter all over again, to be introduced.

**IV. Recommendations**

9. The Committee recommend:—

- (i) that the categorisation by the Committee of the Indian Penal Code (Amendment) Bill by Shri S. V. Ramaswamy be agreed to by the House;
- (ii) that the time allotted by the Committee for the discussion of the above Bill be agreed to by the House;
- (iii) that the Constitution (Amendment) Bill by Shri K. K. Basu which has been re-examined by the Committee be not allowed to be introduced.

HUKAM SINGH

NEW DELHI;  
The 22nd July, 1956.

**APPENDIX I**

**Bill No. 76 of 1955**

**THE CONSTITUTION (AMENDMENT)  
BILL, 1955**

**(TO BE INTRODUCED IN LOK SABHA)**

**A**

**BILL**

*further to amend the Constitution of India.*

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 19 . Short title.

5 2. In article 22 of the Constitution,— Amendment  
of article 22  
(i) for sub-clause (b) of clause (3) the following shall be substituted, namely:—

10 “(b) to any person who is arrested or detained as an enemy agent or for working as an agent of a foreign Government or institution against the defence and security of the State as prescribed by law made by Parliament”; and (ii) Clauses (4), (5), (6) and (7) shall be omitted.

15 3. For Article 37 of the Constitution, the following article shall be substituted, namely:— Substitution  
of article 37

“37. The provisions contained in this Part shall be the guiding principles in making laws by the State and such provisions shall be enforceable by any court.”

## STATEMENT OF OBJECTS AND REASONS

This Bill seeks to amend Articles 22 and 37 of the Constitution.

When the Constitution was adopted special provisions were made therein for arresting and detaining without trial those who were considered to be acting against the security of the State. This provision was too widely interpreted. Since the condition has now changed, it is proper to restrict the application of these provisions only to those persons who act against the State as an agent or accomplice of a foreign power or enemy.

The people have a right to enjoy the fruits of freedom and see that the objective of welfare state is made a reality. In order to ensure that, Part IV of the Constitution which deals with the directive principles of the State Policy should be made justiciable.

Hence this Bill.

**KAMAL KUMAR BASU**

## ANNEXURE

### EXTRACTS FROM THE CONSTITUTION OF INDIA

\* \* \* \*

22. (1) No person who is arrested shall be detained in custody without being informed, as soon as may be, of the grounds for such arrest nor shall he be denied the right to consult, and to be defended by, a legal practitioner of his choice. Protection against arrest and detention in certain cases.

(2) Every person who is arrested and detained in custody shall be produced before the nearest magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the court of the magistrate and no such person shall be detained in custody beyond the said period without the authority of a magistrate.

(3) Nothing in clauses (1) and (2) shall apply—

- (a) to any person who for the time being is an enemy alien; or
- (b) to any person who is arrested or detained under any law providing for preventive detention.

(4) No law providing for preventive detention shall authorise the detention of a person for a longer period than three months unless—

- (a) an Advisory Board consisting of persons who are, or have been, or are qualified to be appointed as, Judges of a High Court has reported before the expiration of the said period of three months that there is in its opinion sufficient cause for such detention.

Provided that nothing in this sub-clause shall authorise the detention of any person beyond the maximum period prescribed by any law made by Parliament under sub-clause (b) of clause (7); or



(b) such person is detained in accordance with the provisions of any law made by Parliament under sub-clauses (a) and (b) of clause (7).

(5) When any person is detained in pursuance of an order made under any law providing for preventive detention, the authority making the order shall, as soon as may be, communicate to such person the grounds on which the order has been made and shall afford him the earliest opportunity of making a representation against the order.

(6) Nothing in clause (5) shall require the authority making any such order as is referred to in that clause to disclose facts which such authority considers to be against the public interest to disclose.

(7) Parliament may by law prescribe—

(a) the circumstances under which, and the class or classes of cases in which a person may be detained for a period longer than three months under any law providing for preventive detention without obtaining the opinion of an Advisory Board in accordance with the provisions of sub-clause (a) of clause (4);

(b) the maximum period for which any person may in any class or classes of cases be detained under any law providing for preventive detention; and

(c) the procedure to be followed by an Advisory Board in an inquiry under sub-clause (a) of clause (4).

\* \* \* \* \*

Application  
of the prin-  
ciples con-  
tained in  
this Part.

37. The provisions contained in this Part shall not be enforceable by any court, but the principles therein laid down are nevertheless fundamental in the governance of the country and it shall be the duty of the State to apply these principles in making laws.

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LOK SABHA

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A  
BILL  
further to amend the Constitution of India

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*(Shri Kamal Kumar Basu, M.P.)*

## APPENDIX II

### **Motion re: Adoption of the Fifty-Sixth Report of the Committee on Private Members' Bills and Resolutions**

The following motion was moved by Shri Ganesh Sadashiv Altekar and was adopted by the House on the 27th July, 1956:—

“That this House agrees with the Fifty-sixth Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 25th July, 1956.”

[L.S. Deb. Part II, dated the 27th July, 1956.]